



**U.S. Department of Veterans Affairs**  
**Office of General Counsel**  
**Management Planning & Analysis**

810 Vermont Avenue NW  
Washington DC 20420  
[www.va.gov/ogc](http://www.va.gov/ogc)

In Reply Refer To: **19-00008-R**

December 10, 2018

Mr. Austin R. Evers  
Executive Director  
American Oversight  
1030 15th Street, NW  
Suite B255  
Washington, DC 20005

Dear Mr. Evers:

This letter is in further reference to your Freedom of Information Act/Privacy Act request dated 03/08/2017, and received by this office on 11/07/2018 requesting:

***"Copies of Records containing or reflecting communications between OGE and individuals nominated, or anticipated to be nominated, by President Trump for Senate-confirmed positions in the federal government, including communications with attorneys or agents acting on behalf of such nominees or prospective nominees, as well as members of the Trump administration, the Trump transition team, or the Trump campaign about such nominees or prospective nominees. ..."***

We apologize for our delay—requests for OGC's assistance have increased dramatically, and we are doing our best to keep up with the demand for our services.

Your request was assigned FOIA Tracking Number 19-00008-R. Please refer to this number in any future correspondence.

As information, it is our policy to process requests for access to Office of General Counsel Service records on a first-in/first-out basis (FIFO). This office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track.

Found in the files of the Office of Government Ethics were various documents which originated with the VA Office of General Counsel. These documents were referred to this agency for a releaseability determination and direct response to you.

The Freedom of Information Act, 5 U.S.C. § 552(A)(a)(ii), places all FOIA requesters in one of three categories for fee purposes. The three categories of FOIA requesters are commercial use; educational institutions, noncommercial scientific institutions, representatives of the news media; and all other requesters. I have determined your request to be a "news media" requester. Representatives of the news media will be charged for the cost of reproduction only, excluding charges for the first 100 pages.

We have classified you as a representative of the news media. As such, we may charge you for some of our duplication costs, but we will not charge you for our search or review costs; you also are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 38 C.F.R. § 1.561(b)(7). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 38 C.F.R. § 1.561(b)(7).

Enclosed are 28 pages of record material which can be released to you. Certain deletions have been made to this material pursuant to (title 5, United States Code 552 (b)(5) FOIA Exemption 5), which protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

The three primary, most frequently invoked privileges that have been held to be incorporated into Exemption 5 are the deliberative process privilege (referred to by some courts as "executive privilege"), the attorney work-product privilege, and the attorney-client privilege.

Exemption 5 encompasses documents that fall within the deliberative process privilege, which shields documents reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated.

The general purpose of "deliberative process privilege" is to "prevent injury to the quality of agency decisions." Specifically, three policy purposes consistently have been held to constitute the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are actually adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

Logically flowing from the foregoing policy considerations is the privilege's protection of the "decision making processes of government agencies." In concept, the privilege protects not merely documents, but also the integrity of the deliberative process itself where the exposure of that process would result in harm.

FOIA Exemption 6 protects information about other individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy."

Exemption 6 protects information about other individuals if the release would lead to a clearly unwarranted invasion of personal privacy. 5 U.S.C. §552(b)(6). As noted in United States Department of Justice v. Reporter's Committee for Freedom of the Press, 489 U.S. § 749 (1989), the Supreme Court provided the following step-by-step analysis to determine when the exemption applies to a case: (1) determine whether a personal privacy interest is involved; (2) determine whether disclosure would serve the public interest; and, (3) balance the personal privacy interest against the public interest.

Substantial privacy interests exist in the names, addresses, phone numbers, email addresses, and other personal identifying information since career public servants retain personal privacy

interests in the discharge of their public duties. New England Apple Council, Inc. v. Donovan, 725 F.2D 139 (1<sup>st</sup> Cir. 1984).

While the release of the aforementioned information may be permissible if it would serve an articulable and significant public interest, you have not identified a public interest in the identities of these individuals that would outweigh their privacy interest. Overall, the balance weighs in favor of protecting the privacy of other individuals involved, and we find that their identities and identifying details are protected under Exemption 6.

***VA FOIA Appeal, Public Liaison, OGIS Options***

Should you have any questions, comments, or concerns regarding the processing of this request, you may contact M. Renee Baxter at [OGCFOIRequests@va.gov](mailto:OGCFOIRequests@va.gov). Also, you have the right to seek assistance from the VA FOIA Public Liaison at telephone number 1(877) 750-3642 or by email at [VACOFOIAService@va.gov](mailto:VACOFOIAService@va.gov).

You may appeal the initial determination made in this response to:

***Department of Veterans Affairs  
Office of General Counsel (OGC) (Appeals)  
810 Vermont Avenue, N.W. (024)  
Washington, DC 20420-0001***

Please include your FOIA case number in any appeal. Also, include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response. You must file your appeal within 90 days from the date of this letter clearly marking both the letter and the envelope "**Freedom of Information Act Appeal**." Please include a copy of this letter with your appeal, and state why you disagree with this determination.

Additionally, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS by email at [ogis@nara.gov](mailto:ogis@nara.gov); by toll-free telephone at 1-877-684-6448 (or 202-741-5770); by facsimile at 202-741-5769; or by writing to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001.

Sincerely,

*M. Renee Baxter*

M. Reneé Baxter  
OGC FOIA Officer

**From:** Deborah J. Bortot  
**To:** Teresa L. Williamson; Heather A. Jones; Sandra S. Mabry; Keith Labedz  
**Subject:** FW: Points of Contact for Nominee Pakcages  
**Date:** Tuesday, December 20, 2016 9:03:55 AM

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**From:** Gurland, Jonathan I. [mailto:[Jonathan.Gurland@va.gov](mailto:Jonathan.Gurland@va.gov)]

**Sent:** Tuesday, December 20, 2016 8:49 AM

**To:** Deborah J. Bortot

**Cc:** Jaynes, Mark T.; Borden, Carol L (OGC); Gutcher, Jane; Britt, Christopher; [REDACTED] (b)(6)

Kennedy, Tammy

**Subject:** Points of Contact for Nominee Pakcages

Deb,

Below is the contact information for the Ethics Attorneys who would be available for review of nominee packages. I will be in this week and out the following week. Mark will return on December 28 and Chris Britt will be in on the 27th.

Jonathan

\***VA Central Office (VACO) - [GovernmentEthics@va.gov](mailto:GovernmentEthics@va.gov)** or (202) 461-6000 or (202) 461-7637

Tammy Kennedy, Chief Counsel, Southeast District, North/Designated Agency Ethics Official (DAEO), (615) 695-4622 [tammy.kennedy@va.gov](mailto:tammy.kennedy@va.gov)

Mark Jaynes, Deputy Chief Counsel/Alternate DAEO [mark.jaynes@va.gov](mailto:mark.jaynes@va.gov) (254) 722-3976, (202) 754-1780 (BB)

Jonathan Gurland, Senior Ethics Attorney [jonathan.gurland@va.gov](mailto:jonathan.gurland@va.gov) (202) 461-7653

Jane Gutcher (virtual) [jane.gutcher@va.gov](mailto:jane.gutcher@va.gov) (202) 461-7619 (Berthoud, CO)

Chris Britt (virtual) [christopher.britt@va.gov](mailto:christopher.britt@va.gov) (202) 302-3516 (Augusta, GA)

Carol Lane Borden [carol.lane@va.gov](mailto:carol.lane@va.gov) (202) 461-7629

[REDACTED] (b)(6), Paralegal [REDACTED] (b)(6) @va.gov (202) 461-7632

**From:** Gurland, Jonathan I.  
**To:** [Teresa L. Williamson](#)  
**Cc:** [Deborah L. Bortot](#); [Borden, Carol L \(OGC\)](#); [Gutcher, Jane](#); [Britt, Christopher](#); [Jaynes, Mark T.](#)  
**Subject:** FW: Points of Contact for Nominee Packages  
**Date:** Tuesday, December 20, 2016 2:44:28 PM

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Teresa,

We have the following coverage over the holidays

Carol Borden – Present today and 12/21 and then on leave until January 3<sup>rd</sup>

Chris Britt- Present thru 12/22, 12/27 thru 12/29, and 1/3 thru 1/5, out 12/23, 12/30 and 1/6

Jonathan Gurland – Present thru 12/23 and then on leave until January 4<sup>th</sup>.

Jane Gutcher – Present thru 12/21 and then on leave until January 4<sup>th</sup>.

Mark Jaynes, Alternate DAEO, will return on 12/28, his cwo is 12/30..

\*[VA Central Office \(VACO\) - GovernmentEthics@va.gov](#) or (202) 461-6000 or (202) 461-7637

Tammy Kennedy, Chief Counsel, Southeast District, North/Designated Agency Ethics Official (DAEO), (615) 695-4622 [tammy.kennedy@va.gov](mailto:tammy.kennedy@va.gov)

Mark Jaynes, Deputy Chief Counsel/Alternate DAFO [mark.jaynes@va.gov](mailto:mark.jaynes@va.gov) (254) 722-3976, (202) 754-1780

(BB)

Jonathan Gurland, Senior Ethics Attorney [jonathan.gurland@va.gov](mailto:jonathan.gurland@va.gov) (202) 461-7653

Jane Gutcher (virtual) [jane.gutcher@va.gov](mailto:jane.gutcher@va.gov) (202) 461-7619 (Berthoud, CO)

Chris Britt (virtual) [christopher.britt@va.gov](mailto:christopher.britt@va.gov) (202) 302-3516 (Augusta, GA)

Carol Lane Borden [carol.lane@va.gov](mailto:carol.lane@va.gov) (202) 461-7629

(b)(6) Paralegal (b)(6) @va.gov (202) 461-7632

Jonathan

Jonathan Gurland

Senior Ethics Attorney/

Deputy Ethics Official

Ethics Specialty Team

(202) 461-7653

Fax (202) 273-4601

---

**From:** Gutcher, Jane

**Sent:** Tuesday, December 20, 2016 2:21 PM

**To:** Gurland, Jonathan I.; Jaynes, Mark T.

**Cc:** Borden, Carol L (OGC); Britt, Christopher

**Subject:** RE: Points of Contact for Nominee Packages

Calendar indicates that Mark is out 12/19-12/23.

Jane Gutcher

Staff Attorney/Deputy Ethics Official

Ethics Specialty Team

Department of Veterans Affairs

Office of General Counsel

810 Vermont Ave NW

Washington D.C. 20420

(202) 461-7619

*Please visit our Government Ethics website for more information on ethics topics.*

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**From:** Gurland, Jonathan I.  
**Sent:** Tuesday, December 20, 2016 12:19 PM  
**To:** Jaynes, Mark T.  
**Cc:** Gutcher, Jane; Borden, Carol L (OGC); Britt, Christopher  
**Subject:** FW: Points of Contact for Nominee Packages

Mark,

What is your availability?

Jonathan

Carol:

I will be on leave from December 22 – January 2, 2017. Carol

---

**From:** Britt, Christopher  
**Sent:** Tuesday, December 20, 2016 2:16 PM  
**To:** Gurland, Jonathan I.  
**Subject:** RE: Points of Contact for Nominee Packages  
CWS 12/23  
AL 12/30  
CWS 1/6

**From:** Gurland, Jonathan I.

**Sent:** Tuesday, December 20, 2016 2:15 PM

**To:** Britt, Christopher; Borden, Carol L (OGC); Jaynes, Mark T.; Gutcher, Jane

**Cc:** Robinson, Victor T

**Subject:** FW: Points of Contact for Nominee Packages

**Importance:** High

Please provide me your schedules so I can forward to OGE. I am unable to access the shared calendar.

I will be in this week and then on leave until January 4.

Jonathan

---

**From:** Teresa L. Williamson [mailto:[twillia@oge.gov](mailto:twillia@oge.gov)]  
**Sent:** Tuesday, December 20, 2016 2:03 PM  
**To:** Gurland, Jonathan I.; Britt, Christopher  
**Subject:** [EXTERNAL] Points of Contact for Nominee Packages  
**Importance:** High

Good Afternoon,

I hope you are both doing well. We want to make sure we have a point of contact during the holidays on any new nominees that come in. Would you please provide contact information for staff from your office that will be working on the nominee packages over the next few weeks.

Thanks!

Teresa

Teresa Williamson  
Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Avenue, NW - Suite 500

**From:** Britt, Christopher  
**To:** Lorna A. Syme  
**Subject:** RE: Shulkin nominee report  
**Date:** Wednesday, January 11, 2017 4:44:12 PM

Disregard, one of my colleagues just emailed Deb, so I imagine she'll answer these questions.

---

**From:** Britt, Christopher  
**Sent:** Wednesday, January 11, 2017 4:41 PM  
**To:** 'Lorna A. Syme'  
**Subject:** Shulkin nominee report

Hi Lorna,

(b)(5)

**Christopher A. Britt**  
Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (02-EST)  
Department of Veterans Affairs  
Phone: 202-302-3516

*Please visit our [Government Ethics website](#) for more information on ethics topics.*

**From:** [Teresa L. Williamson](#)  
**To:** [Heather A. Jones](#); [Deborah J. Bortot](#)  
**Subject:** FW: Integrity.gov: Report Pending Action  
**Date:** Thursday, January 19, 2017 12:07:08 PM

---

New report in Integrity - who's getting it?

-----Original Message-----

From: Integrity.gov [REDACTED]  
Sent: Thursday, January 19, 2017 11:58 AM  
To: Teresa L. Williamson  
Subject: Integrity.gov; Report Pending Action

A 2017 Nominee report for Shulkin, David J is pending your action as Router. You may access the report by logging into integrity at [REDACTED]

**From:** Lorna A. Syme  
**To:** "Britt, Christopher"  
**Subject:** RE [REDACTED]  
**Date:** Thursday, January 19, 2017 3:31:19 PM

---

That would be great.

---

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Thursday, January 19, 2017 3:24 PM  
**To:** Lorna A. Syme  
**Subject:** [REDACTED] (b)(5)

[REDACTED] (b)(5) [REDACTED]

**Christopher A. Britt**  
Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (02-EST)  
Department of Veterans Affairs  
Phone: 202-302-3516

*Please visit our [Government Ethics website](#) for more information on ethics topics.*

**From:** Britt, Christopher  
**To:** Lorna A. Syme  
**Subject:** RE: Ethics Form  
**Date:** Thursday, January 19, 2017 3:42:30 PM

Got it. [REDACTED] (b)(5)

Yes, [REDACTED] (b)(5) I'm off tomorrow and will have my OOO message turned on, but I will monitor my email and work on this report.

**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]

**Sent:** Thursday, January 19, 2017 3:35 PM

**To:** Britt, Christopher

**Subject:** [EXTERNAL] RE: Ethics Form

I just re-checked with my office and they said [REDACTED]  
[REDACTED]  
[REDACTED]

I'm going to have questions for you but I might not get them to you until later tonight or tomorrow morning. I'm making some technical changes to the report as I go through it. Will you be able to review/forward my questions to the filer so that he has them over the weekend?

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]

**Sent:** Thursday, January 19, 2017 3:15 PM

**To:** Lorna A. Syme

**Subject:** RE: Ethics Form

[REDACTED] (b)(5)

**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]

**Sent:** Thursday, January 19, 2017 3:11 PM

**To:** Britt, Christopher

**Subject:** [EXTERNAL] RE: Ethics Form

Thanks. [REDACTED]

[REDACTED] I'm going to go ahead and make those changes now because they are really purely technical.

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]

**Sent:** Thursday, January 19, 2017 3:06 PM

**To:** Lorna A. Syme

**Subject:** RE: Ethics Form

Ok, I'll check on these. I am making changes, so feel free to make changes as well.

**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]

**Sent:** Thursday, January 19, 2017 2:14 PM

**To:** Britt, Christopher

**Subject:** [EXTERNAL] RE: Ethics Form

[REDACTED]

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]

**Sent:** Thursday, January 19, 2017 1:55 PM

**To:** Lorna A. Syme

**Subject:** RE: Ethics Form

Yes, please do. I'm also going through it.

(b)(5)

**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]

**Sent:** Thursday, January 19, 2017 1:50 PM

**To:** Britt, Christopher

**Subject:** [EXTERNAL] FW: Ethics Form

I'm working through the report now. Should I email my questions to you when I'm done?

**From:** Heather A. Jones

**Sent:** Thursday, January 19, 2017 1:13 PM

**To:** Britt, Christopher; Deborah J. Bortot; Lorna A. Syme

**Subject:** Re: Ethics Form

Lorna Syme. She is copied on this email.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** Britt, Christopher

**Sent:** Thursday, January 19, 2017 12:55 PM

**To:** Deborah J. Bortot

**Cc:** Heather A. Jones

**Subject:** RE: Ethics Form

Hi Deb, Dr. Shulkin's report is now in Integrity.

(b)(5)

**From:** Deborah J. Bortot [mailto:[djbortot@oge.gov](mailto:djbortot@oge.gov)]

**Sent:** Friday, January 13, 2017 8:34 AM

**To:** Britt, Christopher

**Cc:** Heather A. Jones

**Subject:** [EXTERNAL] RE: Ethics Form

Chris,

I just checked the *Integrity* system and I do not see a nominee report for Dr. Shulkin pending with OGE. The first step is for him to work with the Presidential Transition Team (PTT) to get started in *Integrity*. PTT will then release the report to your agency and OGE. Until the report is released to us by PTT, we can't see it in *Integrity*.

Has PTT been working with him to start a nominee report in *Integrity*?

Thanks,

Deb

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]

**Sent:** Friday, January 13, 2017 8:04 AM

**To:** Gurland, Jonathan I.; Deborah J. Bortot

**Subject:** RE: Ethics Form

(b)(5)

**Christopher A. Britt**

Staff Attorney and Deputy Ethics Official

Ethics Specialty Team, Office of General Counsel (O2-EST)

Department of Veterans Affairs

Phone: 202-302-3516

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**From:** Gurland, Jonathan I.

**Sent:** Wednesday, January 11, 2017 4:43 PM

**To:** Prince-Wheeler, Latriece R.; Britt, Christopher

**Cc:** Britt, Christopher; [dbortot@oge.gov](mailto:dbortot@oge.gov)

**Subject:** RE: Ethics Form

Latriece,

(b)(5)

I am cc'ing Deb Bortot who heads up nominee disclosure at OGE.

Jonathan

---

**From:** Prince-Wheeler, Latriece R.

**Sent:** Wednesday, January 11, 2017 4:39 PM

**To:** Gurland, Jonathan I.; Britt, Christopher

**Subject:** Ethics Form

Good Afternoon Jonathan and Christopher,

(b)(5)

Thanks,

Latriece

Latriece Prince-Wheeler

Chief Administrative Officer

Office of the Under Secretary for Health

Veterans Health Administration

202-461-5692

202-834-1504 (Blackberry)

Request a meeting: <https://vets.force.com/USH/s>

OGE Confidential Notice: This email, including all attachments, may constitute a Federal

**From:** Britt, Christopher  
**To:** Lorna A. Syme  
**Subject:** RE: [EXTERNAL] RE: Ethics Form  
**Date:** Thursday, January 19, 2017 5:32:39 PM

---

Can you call me? 202-302-3516

Sent with Good ([www.good.com](http://www.good.com))



**From:** Lorna A. Syme  
**To:** "Britt Christopher"  
**Subject:** nominee report  
**Date:** Friday, January 20, 2017 1:23:43 PM

---

I hope to send you my comments shortly. It's taking me a little bit longer than I expected to match up everything.

Also, can you remind me of the [REDACTED]. I remember us discussing, but my notes are in the office. Maybe we can discuss by telephone at some point. We may have to tweak the language on Part 3.

Lorna Syme  
Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Telephone: (202) 482-9277  
Facsimile: (202) 482-9237

Visit OGE's website: >>[www.oge.gov](http://www.oge.gov)<<  
Follow OGE on Twitter: @OfficeGovEthics

**From:** Lorna A. Syme  
**To:** "Britt, Christopher"  
**Subject:** RE: [REDACTED]  
**Date:** Friday, January 20, 2017 1:42:04 PM

Yes – Part 2.

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Friday, January 20, 2017 1:41 PM  
**To:** Lorna A. Syme  
**Subject:** RE: (b)(6)

Yes, (b)(5)

**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]  
**Sent:** Friday, January 20, 2017 1:38 PM  
**To:** Britt, Christopher  
**Subject:** [EXTERNAL] RE: [REDACTED]

Yes – we will have to clarify. I read Part 3 to mean [REDACTED]. I think Part 3 language will need to be revised a bit.

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Friday, January 20, 2017 1:35 PM  
**To:** Lorna A. Syme  
**Subject:** RE: (b)(6)

(b)(5)

**From:** Britt, Christopher  
**Sent:** Friday, January 20, 2017 1:31 PM  
**To:** 'Lorna A. Syme'  
**Subject:** (b)(6)

(b)(6):(b)(5)

(b)(5)

**Christopher A. Britt**

Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (023)  
Department of Veterans Affairs  
Phone: 202-302-3516  
[christopher.britt@va.gov](mailto:christopher.britt@va.gov)

*Please visit our new [Government Ethics website](#) for more information on ethics topics.*

**From:** Britt, Christopher  
**Sent:** Monday, October 19, 2015 12:33 PM  
**To:** 'Lorna A. Syme'  
**Subject:** FW: (b)(5)

Thanks, Lorna. Analysis is below. (b)(5)

(b)(5)

(b)(5)

**Christopher A. Britt**  
Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (023)  
Department of Veterans Affairs  
Phone: 202-302-3516  
[christopher.britt@va.gov](mailto:christopher.britt@va.gov)  
**From:** Lorna A. Syme [<mailto:lasyme@oge.gov>]  
**Sent:** Tuesday, October 13, 2015 5:45 PM

**To:** Britt, Christopher  
**Subject:** [EXTERNAL] RE: [REDACTED]

Hi Chris:

These are the questions that we think should be addressed in your [REDACTED] analysis:

[REDACTED]

Let me know if you want to discuss.

Lorna

**From:** Britt, Christopher [<mailto:Christopher.Britt@va.gov>]  
**Sent:** Tuesday, October 13, 2015 3:20 PM  
**To:** Lorna A. Syme  
**Subject:** RE: [REDACTED] (b)(5)

[REDACTED]  
(b)(5)

**Christopher A. Britt**

Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (023)  
Department of Veterans Affairs

Phone: 202-302-3516

[christopher.britt@va.gov](mailto:christopher.britt@va.gov)

**From:** Britt, Christopher

**Sent:** Tuesday, October 13, 2015 1:13 PM

**To:** 'Lorna A. Syme'

**Subject:** [REDACTED] (b)(5)

[REDACTED]  
(b)(5)

**Christopher A. Britt**

**From:** Lorna A. Syme  
**To:** Heather A. Jones  
**Subject:** RE: quick question  
**Date:** Friday, January 20, 2017 4:08:24 PM

Checking Thx

---

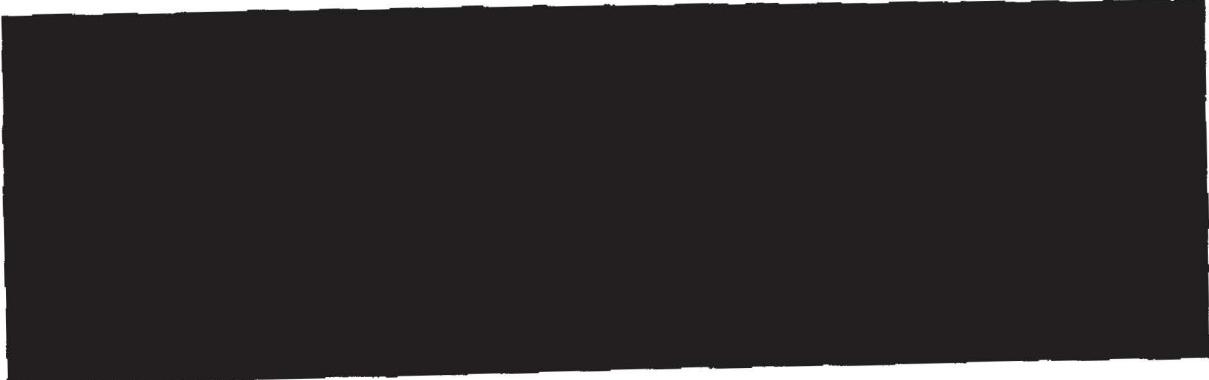
**From:** Heather A. Jones  
**Sent:** Friday, January 20, 2017 3:45 PM  
**To:** Lorna A. Syme; Deborah J. Bortot  
**Subject:** Re: quick question

Correct. [REDACTED]

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Lorna A. Syme  
**Sent:** Friday, January 20, 2017 3:40 PM  
**To:** Deborah J. Bortot; Heather A. Jones  
**Subject:** quick question



Correct?  
Thanks!

Lorna Syme  
Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Telephone: (202) 482-9277  
Facsimile: (202) 482-9237

Visit OGE's website: >>[www.oge.gov](http://www.oge.gov)<<  
Follow OGE on Twitter: @OfficeGovEthics

**From:** Britt, Christopher  
**To:** [Lorna A. Syme](#)  
**Subject:** RE: initial questions  
**Date:** Friday, January 20, 2017 4:41:51 PM

(b)(5)

---

**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]  
**Sent:** Friday, January 20, 2017 3:59 PM  
**To:** Britt, Christopher  
**Subject:** [EXTERNAL] RE: initial questions



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**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Friday, January 20, 2017 3:29 PM  
**To:** Lorna A. Syme  
**Subject:** RE: initial questions

(b)(5)

(b)(5)

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**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]  
**Sent:** Friday, January 20, 2017 2:59 PM  
**To:** Britt, Christopher

**Subject:** [EXTERNAL] initial questions

Sorry my review took a longer than I expected. My initial comments/questions are attached. Happy to discuss if you need any clarification

Lorna Syme  
Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
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**From:** Lorna A. Syme  
**To:** "Britt, Christopher"  
**Subject:** RE: [REDACTED] question  
**Date:** Friday, January 20, 2017 10:16:09 PM

---

The [REDACTED] really should be moved to Part 5. Can you tell me which they are and I can move them.

---

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Friday, January 20, 2017 6:15 PM  
**To:** Lorna A. Syme  
**Subject:** [REDACTED] (b)(5)

[REDACTED] (b)(5)

[REDACTED] (b)(5)

**Christopher A. Britt**  
Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (02-EST)  
Department of Veterans Affairs  
Phone: 202-302-3516

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**From:** Lorna A. Syme  
**To:** "Britt, Christopher"  
**Subject:** RE: [REDACTED]  
**Date:** Friday, January 20, 2017 10:23:07 PM



---

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Friday, January 20, 2017 7:29 PM  
**To:** Lorna A. Syme  
**Subject:** RE: [REDACTED] (b)(5)

(b)(5)

---

**From:** Britt, Christopher  
**Sent:** Friday, January 20, 2017 4:39 PM  
**To:** 'Lorna A. Syme'  
**Subject:** RE: [REDACTED] (b)(5)

Ok, thanks.

---

**From:** Lorna A. Syme [mailto:[lasyme@oge.gov](mailto:lasyme@oge.gov)]  
**Sent:** Friday, January 20, 2017 4:20 PM  
**To:** Britt, Christopher  
**Subject:** [EXTERNAL] RE: [REDACTED]

[REDACTED] Take a look. He can retain or drop the endnote - his decision.

---

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Friday, January 20, 2017 4:13 PM

**To:** Lorna A. Syme  
**Subject:**  (b)(5)

Question about this comment:

(b)(5)

**Christopher A. Britt**

Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (02-EST)  
Department of Veterans Affairs  
Phone: 202-302-3516

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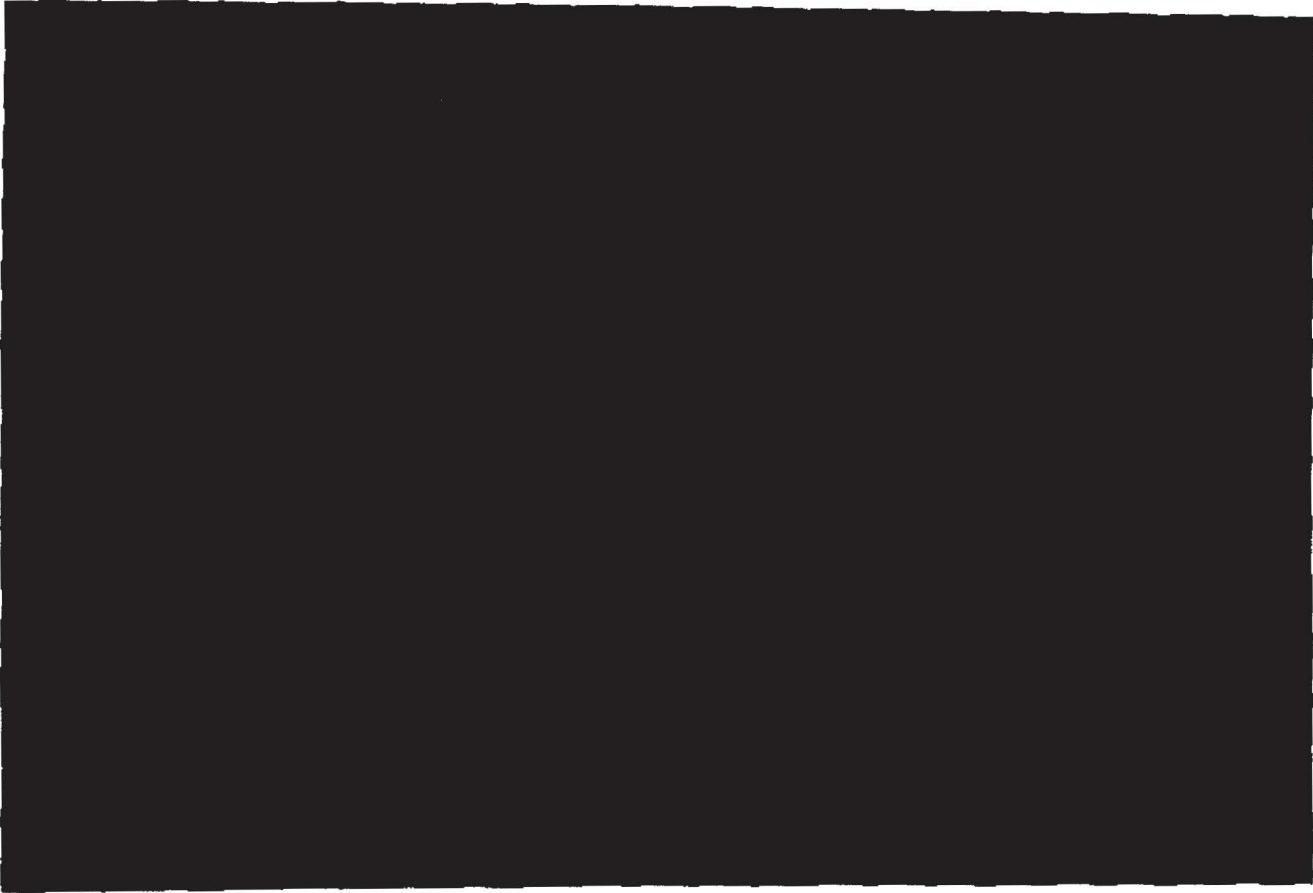
**From:** Deborah J. Bortot  
**To:** Lorna A. Syme; Heather A. Jones; Keith Labedz  
**Subject:** Re: [REDACTED]  
**Date:** Saturday, January 21, 2017 4:35:05 PM

I would send them the regs.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Lorna A. Syme  
**Sent:** Saturday, January 21, 2017 3:48 PM  
**To:** Deborah J. Bortot; Heather A. Jones; Keith Labedz  
**Subject:** FW: [REDACTED]



---

**From:** Britt, Christopher [mailto:[Christopher.Britt@va.gov](mailto:Christopher.Britt@va.gov)]  
**Sent:** Saturday, January 21, 2017 1:41 PM  
**To:** Lorna A. Syme  
**Subject:** [REDACTED] (b)(5)

[REDACTED] (b)(5)

**Christopher A. Britt**  
Staff Attorney and Deputy Ethics Official  
Ethics Specialty Team, Office of General Counsel (02-ES1)

Department of Veterans Affairs  
Phone: 202-302-3516

*Please visit our [Government Ethics website](#) for more information on ethics topics.*

**From:** Heather A. Jones  
**To:** Lorna A. Syme; Deborah J. Bortot; Keith Labedz  
**Subject:** Re: [REDACTED]  
**Date:** Sunday, January 22, 2017 1:34:24 PM

---

OK just put something on the calendar

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Lorna A. Syme  
**Sent:** Sunday, January 22, 2017 12:27 PM  
**To:** Deborah J. Bortot; Heather A. Jones; Keith Labedz  
**Subject:** [REDACTED]

---

Maybe we can talk early Monday about revisions to the language for Part 3 for reporting of these

[REDACTED]

[REDACTED]

As a reminder, Dave, Walt, Lorna, Deb and Heather all met in October/November 2015 to discuss.

[REDACTED]

Lorna

**From:** Deborah J. Bortot  
**To:** [REDACTED]  
**Cc:** [REDACTED] Lorna A. Syme; "Britt, Christopher"; David J. Apol; Teresa L. Williamson; Sandra S. Mahry; Heather A. Jones; Rodrick T. Johnson; Keith Labedz  
**Subject:** PRECleared: David Shulkin  
**Date:** Friday, January 27, 2017 10:32:31 AM

---

Stefan, David Shulkin is precleared.

Lorna, please forward the ethics agreement to Stefan.

Thanks!

Deb

Deborah J. Bortot  
Chief, Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Telephone: (202) 482-9227  
Facsimile: (202) 482-9237

**From:** [Teresa L. Williamson](#)  
**To:** [Lorna A. Syme](#); [Britt Christopher](#)  
**Subject:** Public Financial Disclosure Report of David J. Shulkin  
**Date:** Friday, January 27, 2017 2:37:19 PM  
**Attachments:** [Shulkin, David J., finalsenateletter.docx.pdf](#)  
[Shulkin, David J., final278.pdf](#)  
[Shulkin, David J., finalEA.pdf](#)

---

Good Afternoon,

I've attached the financial disclosure package for David J. Shulkin, who has been nominated by President Trump for the position of Secretary, Department of Veterans Affairs.

Thanks!

Teresa Williamson  
Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Avenue, NW - Suite 500  
Washington, DC 20005  
202-482-9283

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



JAN 27 2017

The Honorable Johnny Isakson  
Chairman  
Committee on Veterans' Affairs  
United States Senate  
Washington, DC 20510

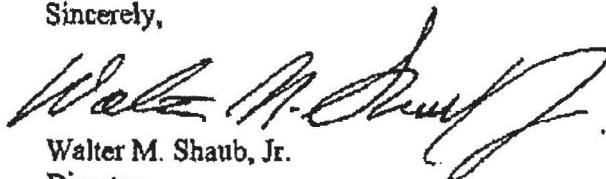
Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by David J. Shulkin, who has been nominated by President Trump for the position of Secretary, Department of Veterans Affairs.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,



Walter M. Shaub, Jr.  
Director

Enclosures

January 27, 2017

Ms. Tammy L. Kennedy  
Chief Counsel and  
Designated Agency Ethics Official  
U.S. Department of Veterans Affairs  
Washington, D.C. 20420

Dear Ms. Kennedy,

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Secretary of the U.S. Department of Veterans Affairs.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I received a severance payment from Atlantic Health System on July 2, 2015. Until July 3, 2017, I will not participate personally and substantially in any particular matter involving specific parties in which I know Atlantic Health System, or its hospitals, is a party or represents a party, unless I first receive a written waiver pursuant to 5 C.F.R. § 2635.503(c).

My spouse owns a medical practice, Merle Bari MD and Associates Inc. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Merle Bari MD and Associates Inc., unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

I have been advised that the duties of the position of Secretary may involve particular matters affecting the financial interests of the following entities: ImaCor, Inc., Control Rad Inc., SpectraMD, Inc., and Electrocure, Inc. The Department has determined that it is not necessary at this time for me to divest my interests in these entities because the likelihood that my duties will involve any such matter is remote. Accordingly, with regard to each of these entities, I will not participate personally and

Ms. Tammy Kennedy  
Page 2

substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the entity for as long as I own it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I have an agreement with Hutchinson Biofilm Medical Solutions Ltd. that entitles me to receive a grant of stock options from the company if, at any time in the future, the company issues stock options. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Hutchinson Biofilm Medical Solutions Ltd., unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will divest my interests in the following entities within 90 days of my confirmation: Amazon, Bank of America, Citigroup Inc., JP Morgan Chase, Morgan Stanley, Wells Fargo, and M&T Bank Corp. With regard to each of these entities, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I understand that I may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will ensure that all divestitures discussed in this agreement occur within the agreed upon timeframes and that all proceeds are invested in non-conflicting assets.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,



David Shulkin